



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 200126 OF 2026 (U/S 14 (A))

BETWEEN:

MAHESH S/O BASAVARAJ JAMADAR
AGE: 30 YEARS, OCC: DHABA OWNER
R/O MADAN HIPPARAGA VILLAGE
TQ: ALAND, DIST: KALABURAGI.

...APPELLANT

(BY SRI. RAJESH DODDAMANI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
ALAND POLICE STATION, ALAND
NOW REPRESENTED BY
THE ADDITIONAL STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585102.

2. LOKESH
S/O NAGINDRAPPA RAMAN
AGE: 25 YEARS, OCC: DRIVER
R/O LAD MUGALI VILLAGE
TQ: ALAND, DIST: KALABURAGI-585302.

...RESPONDENTS

(BY SRI.GOPALKRISHNA B. YADAV, HCGP FOR R1)

THIS CRL.A IS FILED U/SEC. 14-A (2) OF SC/ST (PA)
ACT, PRAYING TO SET ASIDE THE ORDER DATED 04.04.2026
PASSED BY THE HONOURABLE II ADDL. DISTRICT AND





SESSIONS COURT, KALABURAGI PASSED IN SPL.C. NO.240/2025 AND CONSEQUENTLY ENLARGE THE APPELLANT/A-1 (AS PER CHARGE SHEET) IN CONNECTION WITH CRIME NO.148/2025 OF ALAND POLICE STATION REGISTERED FOR THE OFFENCES PUNISHABLE U/S 189(2), 191(2), 191(3), 118(1), 118(2), 61(2), 55, 103, 352, 324(4), 351(2) R/W 190 OF BNS, 2023 AND SECTIONS 3(1)(r), (s), 3(2)(v) OF SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, NOW PENDING ON THE FILE OF HONOURABLE II ADDL. DISTRICT AND SESSIONS COURT, KALABURAGI IN SPL.C NO.240/2025.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has filed this appeal under Section 14-A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, SC/ST (PoA) Act') for grant of bail as the appellant-accused is in judicial custody.

2. I have heard the arguments on both sides.

3. On basis of the complaint filed by one Savalesh-complainant, the respondent-Aland Police have registered a case in Crime No.148/2025 against accused Nos.1 to 3



for the offences punishable under Sections 189(2), 191(2), 191(3), 118(1), 118(2), 103, 352, 324(4), 351(2), 190 of BNS, 2023 and Sections 3(1)(r)(s), 3(2)(v) of SC/ST (PoA) Act.

4. During the course of investigation, the Investigating Officer has arrested the appellant-accused on 12.06.2025 and produced before the Court and he was remanded to judicial custody. The bail application was filed before the II-Addl. Dist. & Sessions Judge, Kalaburagi in Special Case No.240/2025, which came to be dismissed on 04.04.2026. Being aggrieved by the same, the appellant has preferred the present appeal.

5. Learned counsel for the appellant has urged the following grounds for grant of bail:

- (i) *The Appellant are law -abiding citizens and are connected to the offences alleged.*
- (ii) *There is no material on record to implicate the Appellant with the alleged crime.*



- (iii) *It is submitted that the prosecution has cited CW-14 as an injured eyewitness and CW-15 to 19 as eye witnesses to the alleged incident, however on perusal of the statements of the CW-14 to 19 recorded U/S 181 of BNSS & U/S 183 of BNSS it becomes crystal clear that there are glaring discrepancies in the statements, hence the appellant may kindly be granted bail.*
- (iv) *It is submitted that this Hon'ble Court has granted bail to Accused No.10 vide order dated 18/08/2025 passed in CRL. A 200240/2025, hence the appellant deserve to be granted bail on the ground of parity.*
- (v) *It is submitted that Accused No 6 to 9 have been granted bail by this Hon'ble Court vide order dated 04/04/2026 passed in CRL A 200261/2025, hence the appellant may kindly be granted bail on the ground of parity.*



- (vi) *It is submitted that looking into the contents of the prosecution papers it becomes crystal clear that there is no prima facie case made out for the offence punishable under the SC/ST PA Act.*
- (vii) *It is submitted that the appellant is detected with Lipoma of both forearm and the doctor has suggested for surgical excision of lipoma both forearm, hence the appellant requires to undergo surgery immediately for the above said ailment, hence the appellant may kindly be enlarged on bail.*
- (viii) *It is submitted that Appellant no.1 was arrested on 12/06/2025 and since then the Appellant is in judicial custody and now since investigation is completed and charge sheet is filed, the presence of the Appellant for the purpose of interrogation or recovery is not required, hence the appellant may kindly be enlarged on bail.*



- (ix) *It is submitted that the Appellant belong to a respectable family having deep roots in the society.*
- (x) *It is submitted that the Appellant is a permanent resident of the address shown in the cause title, having both moveable and immoveable property, hence the question of Appellant fleeing away from justice does not arise, hence the Appellant may kindly be granted bail.*
- (xi) *It is instructed that the Appellant has no criminal antecedents and are ready and willing to abide by any conditions imposed by this Hon'ble court and is also ready to furnish solvent surety to the satisfaction of this Hon'ble Court.*
- (xii) *It is submitted that no other bail application is pending before any other court of law which is filed by the Appellant herein.*



On all these grounds, prays to allow the appeal.

6. To substantiate his arguments, he has also produced the documents i.e. discharge summary and other medical documents of the appellant.

7. The Investigating Officer has submitted the charge-sheet against accused Nos.1 to 10 for the offences punishable under Sections 189(2), 191(2), 191(3), 118(1), 118(2), 61(2), 55, 103, 352, 324(4), 351(2), 190 of BNS, 2023 and Sections 3(i)(r)(s), 2(v) of SC/ST (PoA) Act. In column No.17 of the charge-sheet it is stated as under:

“ಸದರಿ ಪ್ರಕರಣವು ಪರಿಶಿಷ್ಟ ಜಾತಿ ಸಮುದಾಯಕ್ಕೆ ಸೇರಿದ ಯುವಕನ ಕೆಲ ಪ್ರಕರಣವಾಗಿದ್ದು, ದಿನಾಂಕ:10/06/2025 ರಂದು ರಾತ್ರಿ 11:30 ಗಂಟೆಯ ಆಳಂದ ತಾಲೂಕಿನ ಸಾವಳೇಶ್ವರ ಕ್ರಾಸಿಗೆ ಇರುವ ಪೂಜಾರಿ ಧಾಬಾದ ಹತ್ತಿರ ಜರುಗಿದೆ. ಸದರಿ ಗುನ್ನೆ ಸ್ಥಳವು ಆಳಂದ ಪೊಲೀಸ್ ಠಾಣೆಯ ವ್ಯಾಪ್ತಿಗೆ ಮತ್ತು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.

ದಿನಾಂಕ:10/06/2025 ರಂದು ಮಧ್ಯಾಹ್ನ 13:00 ಗಂಟೆಗೆ ಈ ದೋಷಾರೋಪಣೆ ಪತ್ರದ ಕಾಲಂ:14 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಸಾಕ್ಷಿ ನಂ:1. 15. 16 ರಿಂದ 20 ಹಾಗೂ ಮೃತ ಸುಧಾಕರ ಎಲ್ಲರು ಭೂಸನೂರ ಫ್ಯಾಕ್ಟರಿ ಹತ್ತಿರ ಸೇರಿಕೊಂಡು ಸಾಯಂಕಾಲ 18:00 ಗಂಟೆಗೆ ಸಾಕ್ಷಿ ನಂ:19 ರವರ ಬೆಂಬಲ



ಜೀಪ್ ನಂ: ಕೆಎ-30/ಎ-0240 ರಲ್ಲಿ ಕುಳಿತುಕೊಂಡು ಈ ದೋಷಾರೋಪಣೆ ಪತ್ರದ ಕಾಲಂ:12 ರಲ್ಲಿ ನಮೂದಿಸಿದ 1ನೇ ಆರೋಪಿ ಮಹೇಶ ಜಮಾದಾರ ರವರ ಮಾದನ ಹಿಪ್ಪರಗಾದಲ್ಲಿರುವ ಬೃಂದಾವನ ಧಾಬಾಕ್ಕೆ ಉಟ ಮಾಡಲು 19:30 ಗಂಟೆಗೆ ಹೋಗಿ ಅಲ್ಲಿ ಉಟ ತಡವಾದ ವಿಷಯಕ್ಕೆ ಸಾಕ್ಷಿ ನಂ:16 ರವರು 5ನೇ ಆರೋಪಿಗೆ ಸರಾಯಿ ಬಾಟಲಿಯಿಂದ ಬಲಗೈಗೆ ಹೊಡೆದು ರಕ್ತಗಾಯ ಮಾಡಿದಾಗ ಆಗ ಉಳಿದ 09 ಜನ ಆರೋಪಿತರು ಈ ಬಗ್ಗೆ ಮೃತ ಸುಧಾಕರನೊಂದಿಗೆ ವಾದ ವಿವಾದ ಮಾಡಿ ಗಲಾಟೆ ಮಾಡಿದ್ದು, ಆಗ ಮೃತನು ತನ್ನೊಂದಿಗೆ ಉಳಿದ ಸಾಕ್ಷಿದಾರರೊಂದಿಗೆ ಉಟ ಮಾಡುವುದನ್ನು ಬಿಟ್ಟು ಬೇರೆ ಧಾಬಾಕ್ಕೆ ಹೋಗೋಣಾ ಅಂತಾ ಸಾವಳೇಶ್ವರ ಕ್ರಾಸಿಗೆ ಇರುವ ಪೂಜಾರಿ ಧಾಬಾಕ್ಕೆ ಸುಮಾರು ರಾತ್ರಿ 22:00 ಗಂಟೆಗೆ ಬಂದಿದ್ದು ಇರುತ್ತದೆ.

ನಂತರ ಇದೆ ವಿಷಯವನ್ನು ಆರೋಪಿ 1ನೇದ್ದವನು ಉಳಿದ 2 ರಿಂದ 10 ನೇ ಆರೋಪಿತರಿಗೆ ತನ್ನ ಧಾಬಾದ ಮುಂದೆಗಡೆ ಸೇರಿಸಿ " ಈ ಹೊಲೆಯ ಸೂಳಿ ಮಕ್ಕಳು ಯಾವಾಗಲೂ ಧಾಬಾಕ್ಕೆ ಬಂದು ಅದು ಸರಿ ಇಲ್ಲಾ, ಇದು ಸರಿ ಇಲ್ಲಾ, ಬೀಲ್ ಜಾಸ್ತಿ ಆಗಿದೆ ಎಂದು ಏನಾದರೂ ನೆಪಮಾಡಿ ಜಗಳ ಮಾಡುತ್ತಾರೆ. ಇವತ್ತು ಇವರಿಗೆ ಬಿಡುವುದು ಬೇಡ ಖಲ್ಲಾಸ್ ಮಾಡಿಯೇ ಬಿಡೋಣಾ" ವೆಂದು ಅಪರಾಧಿಕ ಒಳಸಂಚು ರೂಪಿಸಿ ಆರೋಪಿ ನಂ:1 ರಿಂದ 5 ನೇದ್ದವರು ಬೊಲೇರೊ ಜೀಪ್ ನಂ: ಕೆಎ-28/ಎನ್-8325 ನೇದ್ದರಲ್ಲಿ ಬಡಿಗೆಗಳನ್ನು ಹಾಕಿಕೊಂಡು ಹಾಗೂ ಆರೋಪಿ 1ನೇದ್ದವನು ಆರೋಪಿ ನಂ:6 ರಿಂದ 10 ನೇದ್ದವರಿಗೆ ಕ್ರೂಜರ್ ನಂ: ಕೆಎ-38/ಎನ್-3106 ನೇದ್ದನ್ನು ತೆಗೆದುಕೊಂಡು ತಮ್ಮ ಹಿಂದೆ ಬರುವಂತೆ ಸೂಚಿಸಿ. ರಾತ್ರಿ 23:30 ಗಂಟೆಗೆ ಸಾವಳೇಶ್ವರ ಕ್ರಾಸಿಗೆ ಇರುವ ಪೂಜಾರಿ ಧಾಬಾಕ್ಕೆ ಹೋಗಿ ಆರೋಪಿತ 01 ರಿಂದ 05 ರವರು ಬಂದು ಮೃತ ಸುಧಾಕರನಿಗೆ ಬಡಿಗೆ ಹಾಗೂ ವಿಲ್ ಪಾನಾದಿಂದ ಹಲ್ಲೆಗೈದು ಕೊಲೆ ಮಾಡಿದ್ದು ಹಾಗೂ ಸಾಕ್ಷಿ ನಂ:14 ಈತನಿಗೆ ಬಡಿಗೆ ಮತ್ತು ವಿಲ್ ಪಾನಾದಿಂದ ಆರೋಪಿ 01 ರಿಂದ 03 ರವರು ತಲೆಗೆ, ಮುಖಕ್ಕೆ ಹಲ್ಲೆಗೈದು ಹಾಗೂ ಆರೋಪಿ 04 ಈತನು ಕಾಲಿನಿಂದ ಒದ್ದು ಹಲ್ಲೆಗೈದಿದ್ದು ಇರುತ್ತದೆ. ನಂತರ ಆರೋಪಿ ನಂ:06 ರಿಂದ 10 ರವರು ಸಹ ಸ್ಥಳಕ್ಕೆ ಬಂದು ಆರೋಪಿ 01 ನೇದ್ದವನೊಂದಿಗೆ ಚರ್ಚಿಸಿ ನಾವು ಅಂದುಕೊಂಡ ಕೆಲಸ ಆಗಿದೆ. ಇಲ್ಲಿಂದ ಓಡಿ ಹೋಗೋಣಾ ಅಂತಾ ತಾವು ತಂದ ವಾಹನದಲ್ಲಿ ಹೋಗಿರುತ್ತಾರೆ. ಇದನ್ನು ಸಾಕ್ಷಿ ನಂ:01. 14 ರಿಂದ 19 ರ ವರೆಗಿನವರು ಕೃತ್ಯವನ್ನು ಪ್ರತ್ಯಕ್ಷವಾಗಿ ನೋಡಿದ್ದು ಇರುತ್ತದೆ



ತನಿಖಾ ಸಂದರ್ಭದಲ್ಲಿ ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆ ಹಾಗೂ ಇತರೆ ವೈಜ್ಞಾನಿಕ ಸಾಕ್ಷಾಧಾರಗಳ ಮೇಲಿಂದ ಆರೋಪಿ 01 ರಿಂದ 10 ರವರು ಕೊಲೆಯ ಒಳಸಂಚನ್ನು ರೂಪಿಸಿ ಆರೋಪಿ ನಂ:01 ರಿಂದ 05 ರವರು ಸದರಿ ಕೊಲೆ ಕೃತ್ಯವನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸಿದ್ದು, ಸಾಕ್ಷಿ ನಂ:14 ನೇದ್ದವನಿಗೆ ತಿವ್ಯಸ್ವರೂಪದ ಗಾಯಗಪಡಿಸಿದ್ದು ಸಾಬೀತಾಗಿದ್ದು ಇರುತ್ತದೆ.

ಕಾರಣ ಆರೋಪಿತ 01 ರಿಂದ 10 ರವರ ವಿರುದ್ಧ ಕಲಂ:189(2), 191(2), 191(3), 118(1), 118(2), 61(2), 55, 103, 352, 324(4), 351(2), 190 BNS-2023 ಅಡಿಯಲ್ಲಿ ಹಾಗೂ ಆರೋಪಿ 01 ಹಾಗೂ 07 ರವರು ಪರಿಶಿಷ್ಟ ಜಾತಿ ಹಾಗೂ ಪಂಗಡಕ್ಕೆ ಸೇರಿದವರಾದ ಕಾರಣ ಅವರನ್ನು ಹೊರತು ಪಡಿಸಿ ಉಳಿದ ಎಲ್ಲಾ 08 ಜನ ಆರೋಪಿತರ ವಿರುದ್ಧ ಕಲಂ:3 (i) (1) (s). 2 (v) SC/ST PA Act-1989 ಅಡಿಯಲ್ಲಿ ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ.”

8. On careful examination of the materials placed before this Court, the prosecution alleged that accused Nos.1 to 3 have assaulted to the deceased on his head and face with club and wheel pana and caused the death of the deceased. CWs.1, 14 to 19 are the eyewitnesses to the incident.

9. On careful examination of the materials on record, at this stage, I am of the opinion that there are *prima facie* materials to constitute the alleged offences against the present appellant.



10. It is submitted by the learned counsel for the appellant that the appellant is detected with lipoma of both forearm and the Doctor has suggested for surgical excision of lipoma both forearms, hence, the appellant requires to undergo surgery immediately for the above ailment.

11. To substantiate his arguments, he has produced memo along with documents i.e. discharge summary issued by the Gulbarga Institute of Medical Sciences Teaching Hospital, Kalaburagi and photos of the appellant.

12. This medical ground urged by the appellant is not a ground to release the accused on bail. In this regard, this Court can direct the Jail Authorities to provide suitable treatment in suitable hospital without causing delay. Accordingly, I proceed to pass the following:

ORDER

- (i) The appeal is ***dismissed***.
- (ii) The Jail Authorities are directed to provide suitable treatment in the concerned hospital



without causing any delay under intimation to this Court.

(iii) The Jail Authorities are directed to submit their progress report in providing treatment to the injured to the Addl. Registrar General of this Court.

(iv) The Registry is directed to send intimation to the concerned Jail Authorities through e-mail to provide suitable treatment to the appellant.

Sd/-
(G BASAVARAJA)
JUDGE

SDU
LIST NO.: 1 SL NO.: 7
CT-BH